

21866

STATE OF SOUTH CAROLINA

(Caption of Case)

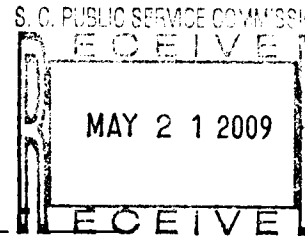
Application of FTC Diversified Services, Inc. for a
Certificate of Public Convenience and Necessity to
Provide Local Exchange and Exchange Access
Service to Customers in the State of South Carolina
and for Alternative Regulation of Interexchange
Telephone

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: _____ - _____



2009-202-C

(Please type or print)

Submitted by: William E. DuRant, Jr.

SC Bar Number: 1808

Address: 10 Law Range

Telephone: 803-774-1000

Sumter, SC 29150

Fax: 803-774-1005

Other:

Email: gdurant@legaloff.net

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

- ☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously
- ☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input checked="" type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

RECEIVED

MAY 21 2009

PSC SC
DOCKETING DEPT.

SCHWARTZ, McLEOD, DuRANT & JORDAN

ATTORNEYS AT LAW

10 LAW RANGE

SUMTER, SOUTH CAROLINA 29150

R. KIRK McLEOD (1921-1987)

RAMON SCHWARTZ, JR.

WILLIAM E. DuRANT, JR.

MICHAEL M. JORDAN

T. D. WILLIAMS, IV

TELEPHONE

(803) 774-1000

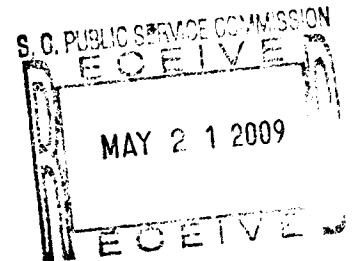
TELE FAX

(803) 774-1005

legaloff@ftc-i.net

May 20, 2009

Mr. Charles L. A. Terreni
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210



RE: Application of FTC Diversified Services, Inc. for a Certificate of Public Convenience and Necessity to Provide Local Exchange and Exchange Access Service to Customers in the State of South Carolina and for Alternative Regulation of Interexchange Telephone Services
Docket No.:

Dear Mr. Terreni:

Enclosed please find for filing an original and fifteen (15) copies of the Application of FTC Diversified Services, Inc. for a Certificate of Public Convenience and Necessity. By copy of this letter, I am serving the Office of Regulatory Staff.

I have also enclosed an extra copy of this Application which I would ask you to date stamp and return to me in the enclosed self-addressed, stamped envelope.

With kindest regards, I am

Sincerely yours,

SCHWARTZ, McLEOD, DuRANT & JORDAN

A handwritten signature in dark ink, appearing to read "William E. DuRant, Jr.".

William E. DuRant, Jr.

WEDjr/pt

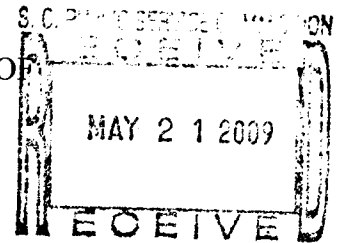
Enclosures

CC: C. Dukes Scott, Esquire

A rectangular stamp with the word "RECEIVED" in a bold, serif font, slanted upwards to the right.

MAY 21 2009
PSC SC
DOCKETING DEPT.

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. _____



IN RE:

Application of FTC Diversified Services, Inc. for a Certificate of Public Convenience and Necessity to Provide Local Exchange and Exchange Access Service to Customers in the State of South Carolina and for Alternative Regulation of Interexchange Telephone Services.)	APPLICATION FOR EXPANDED AUTHORITY TO SERVE THROUGHOUT THE STATE OF SOUTH CAROLINA AND FOR ALTERNATIVE REGULATION OF INTEREXCHANGE TELEPHONE SERVICES
_____)	

FTC Diversified Services, Inc. ("Applicant") hereby submits this Application to the South Carolina Public Service Commission ("the Commission") to amend its Certificate of Public Convenience and Necessity, pursuant to S.C. Code Ann. §58-9-280 and the Rules and Regulations of the Commission, to permit it to provide local exchange and exchange access service to customers throughout the State of South Carolina and for approval of alternative regulation of its interexchange telecommunications services comparable to that afforded to AT&T of the Southern States, Inc. by Order No. 98-1734 and Order No. 96-55 in Docket No. 95-661-C. In support of this application, the following is shown:

1. Applicant's name and address are as follows:

FTC Diversified Services, Inc.
1101 E. Main Street
Kingstree, South Carolina 29556

2. Correspondence regarding this Application should be addressed to Applicant's Counsel:

William E. DuRant, Jr.
SCHWARTZ, McLEOD, DuRANT & JORDAN
10 Law Range
Sumter, South Carolina 29150
Telephone: (803) 774-1000
Facsimile: (803) 774-1005
Email: gdurant@legaloff.net

3. The name, title, address and telephone number of the person who should be contacted in connection with general management of the company is:

Guy D. Adams, Jr.
Chief Operating Officer
FTC Diversified Services, Inc.
1101 E. Main Street
Kingstree, SC 29556
Telephone: (843) 382-2333
Facsimile: (843) 382-3909
Email: Dent_Adams@mail.ftc.org

4. Applicant is organized as a corporation in the State of South Carolina, and has previously been issued a certificate of public convenience and necessity by this Commission by its Order dated November 20, 1998, Order No. 98-927 in Docket No. 98-489-C transferring unto Applicant the certificate of its sister company, FTC Communications, Inc. By Order No. 2001-255 issued in Docket No. 2000-567-C, the Commission expanded Applicant's authority authorizing Applicant to provide local exchange and exchange access service to customers located in and around the Town of Hemingway. The authority was granted to Applicant upon a finding by the Commission that the Applicant has the technical, financial, and managerial resources sufficient to provide local exchange and exchange access service within the State of South Carolina, and that the Applicant met all other requirements of certification.

5. Applicant proposes to expand its services statewide to all customers located within the State of South Carolina and is willing to do so subject to the STIPULATION proposed herein as Exhibit A with the South Carolina Telephone Coalition. Applicant will provide the

same service, under the same terms and conditions, to customers located in the expanded area as it is currently providing to customers in its presently certificated service area. Applicant will file tariff revisions reflecting the new service area and the applicable rates upon Commission approval of this Application.

6. With regard to its interexchange services, Applicant proposes that its interexchange business service offerings, consumer card services, and operator service tariffs not be required to state maximum rate levels and that such tariff filings be presumed valid upon filing with the understanding that the Commission has the right within seven (7) days to establish an investigation of the tariff filing. This plan is consistent with the policy and procedures set out and described in Order Nos. 98-1734 and 96-55 in Docket No. 95-661-C. Applicant is currently under flexible regulation, as provided under Order No. 1999-840 in Docket No. 98-127-C.

7. Amending Applicant's certificate to expand its service area will serve the public interest. Applicant is an established competitive local exchange carrier in South Carolina. Provision of service by Applicant in the requested service area will enhance competition in the State of South Carolina by offering additional service options and high service quality to South Carolina telecommunication users.

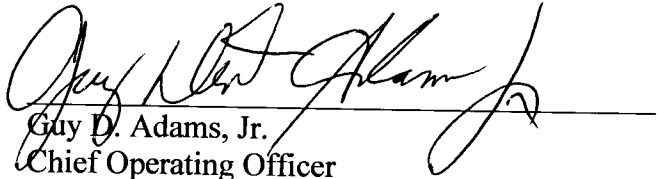
8. As demonstrated in Applicant's prior certification proceeding, and as demonstrated by Applicant's service history and the Annual Reports that are filed with the Commission and the Office of Regulatory Staff by Applicant on an annual basis, Applicant has the technical, managerial, and financial resources necessary to provide service in the requested areas.

9. As demonstrated in Applicant's prior certification proceeding, and as demonstrated by Applicant's service history, Applicant will provide services that meet the service standards of the Commission; Applicant's provision of service will not adversely impact the availability of affordable local exchange service, and will not otherwise adversely impact the public interest.

In view of the foregoing, Applicant respectfully requests that the Public Service Commission of South Carolina amend the certificate of FTC Diversified Services, Inc. to include all areas within the State of South Carolina, and to approve alternative regulation of its interexchange telecommunications services.

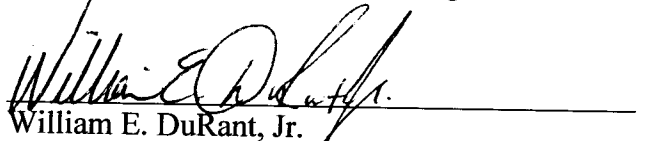
Respectfully submitted,

FTC Diversified Services, Inc.



Guy D. Adams, Jr.
Chief Operating Officer

1101 E. Main Street
Kingstree, SC 29556
Telephone: (843) 382-2333
Facsimile: (843) 382-3909
Email: Dent_Adams@mail.ftc.org



William E. DuRant, Jr.

SCHWARTZ, McLEOD, DuRANT & JORDAN
10 Law Range
Sumter, South Carolina 29150
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Facsimile: (803) 774-1005
Email: gdurant@legaloff.net

Attorneys for FTC Diversified Services, Inc.

May 20, 2009

DOCKET NO. _____

Application of FTC Diversified Services,)
Inc. for a Certificate of Public Convenience)
and Necessity to Provide Local Exchange)
and Exchange Access Service to Customers)
in the State of South Carolina and for)
Alternative Regulation of Interexchange)
Telephone Services.)
_____)

STIPULATION

3. FTC DSI stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.

EXHIBIT "A"

4. FTC DSI stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and until FTC DSI provides such rural incumbent LEC and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, FTC DSI acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition of any rural incumbent LEC or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.

5. FTC DSI stipulates and agrees that, if FTC DSI gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, and either (a) the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law within such 30-day period, or (b) the Commission institutes a proceeding of its own, then FTC DSI will not provide service to any customer located within the service area in question without prior and further Commission approval.

6. FTC DSI acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.

7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs and FTC DSI and this Stipulation in no way suspends or adversely

affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.

8. FTC DSI agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.

AGREED AND STIPULATED to this ____ day of _____, 2009.

FTC Diversified Services, Inc.

South Carolina Telephone Coalition:

Guy D. Adams, Jr.
Chief Operating Officer
1101 E. Main Street
Kingstree, SC 29556
Telephone: (843) 382-2333
Facsimile: (843) 382-3909

M. John Bowen, Jr.
Margaret M. Fox
Sue-Ann Gerald Shannon
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, SC 29211
(803) 799-9800

William E. DuRant, Jr.
Schwartz, McLeod, DuRant & Jordan
10 Law Range
Sumter, SC 29150
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Email: gdurant@legaloff.net

Attorneys for the South Carolina
Telephone Coalition

Attorneys for FTC Diversified
Services, Inc.

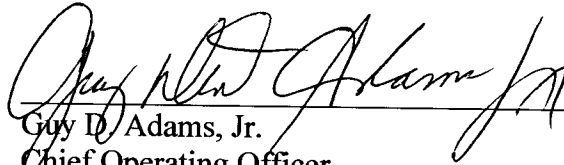
ATTACHMENT A

South Carolina Telephone Coalition Member Companies for Purposes of Local Service Stipulation

Chesnee Telephone Company
Chester Telephone Company
Farmers Telephone Company, Inc.
Ft. Mill Telephone Company
Home Telephone Company, Inc.
Lancaster Telephone Company
Lockhart Telephone Company
McClellanville Telephone Company
Norway Telephone Company
Palmetto Rural Telephone Cooperative, Inc.
Piedmont Rural Telephone Cooperative, Inc.
Pond Branch Telephone Company
Ridgeway Telephone Company
Rock Hill Telephone Company
Sandhill Telephone Cooperative, Inc.
St. Stephen Telephone Company
West Carolina Rural Telephone Cooperative, Inc.
Williston Telephone Company

VERIFICATION OF APPLICANT

I, Guy D. Adams, Jr., Chief Operating Officer of FTC Diversified Services, Inc., the applicant for a Certificate of Public Convenience and Necessity to Provide Local Exchange and Exchange Access Service to Customers in the State of South Carolina and for Alternative Regulation of Interexchange Telephone Services from the Public Service Commission of the State of South Carolina, verify that based on information and belief, I have knowledge of the statements in the foregoing Application, and I declare that they are true and correct.


Guy D. Adams, Jr.
Chief Operating Officer
FTC Diversified Services, Inc.

SWORN to before me this 20th
day of May, 2009.


NOTARY PUBLIC FOR SOUTH CAROLINA

(L.S.)

My Commission Expires:

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. _____

IN RE:

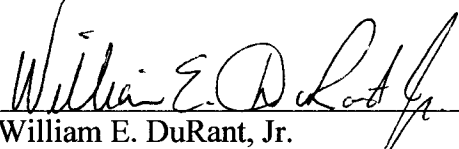
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in the State of South Carolina and for)
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Telephone Services.)
_____)

CERTIFICATE OF SERVICE

The undersigned does hereby certify that he has served below listed parties with a copy of the pleading indicated below by mailing a copy of same to them in the United States Mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

PARTIES SERVED: C. Dukes Scott, Esquire
Office of Regulatory Staff
PO Box 11263
Columbia, SC 29211

PLEADING: Application for Expanded Authority to Serve Throughout the State of
South Carolina and for Alternative Regulations of Interexchange
Telephone Services



William E. DuRant, Jr.
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Sumter, South Carolina 29150
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